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ATTORNEY FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

JUSTIN TAYLOR,	:	Case No. 6:22-cv-868
PLAINTIFF,	:	COMPLAINT
v.	:	
BAY AREA HOSPITAL,	:	
DR. BRETT DAVIS, Personally,	:	
DR. SARAH ROTH, Personally,	:	
McKENZIE GAUNTZ, RN, Personally,	:	
REBECCA HOFFMAN, RNC, Personally,	:	
DEFENDANTS,	:	

Plaintiff demands a jury trial and alleges:

For his Complaint against Defendants, Plaintiff alleges as follows:

I. INTRODUCTION

1. This is an action for damages for excessive force, unreasonable search and seizure perpetrated on Justin Taylor on or about July 6, 2020 by medical staff in Bay Area Hospital in Coos Bay , Coos County. On July 6, 2020, at 10:52 a.m. ,Plaintiff Justin ("Taylor"), was a patient at Bay Area Hospital (BAH) by Reedsport Police on a Mental Health hold after observed odd behavior. While a patient in their ER, Defendant Gauntz, RN and other staff restrained plaintiff, and took and

1. COMPLAINT

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involuntary blood, draw and involuntary UA by catheterization from a responsive and alert Taylor without consent, medical exigency, a court order or valid warrant.

2. Plaintiff alleges federal claims pursuant to 42 USC § 1983, as guaranteed by the 14th Amendment to the U.S. Constitution for (1) Violation of his 4th Amendment rights to be free of excessive force and wrongful search and seizure of his person by RNs and MDs.
3. Plaintiff alleges state claims of medical negligence, intentional infliction of emotional distress, negligent infliction of emotional distress and battery.
4. Plaintiff seeks awards of economic damages, non-economic damages, attorney fees and litigation expenses/costs against defendants.
5. Plaintiff also seeks an award of punitive damages against the individual defendants under federal law.

II. JURISDICTION

6. This court has jurisdiction over plaintiff's claims by virtue of 28 USC §§ 1331, 1333, and 1337.

III. PARTIES

7. Taylor is a Washington state resident.
8. Defendants Roth, DO, Davis, DO, Gauntz, RN and Hoffman, RN are employees of BAH. . At all material times, were acting within the course and scope of their employment.
9. Defendant BAH is a public hospital.
10. A tort claim notice issues on March 1, 2022.
11. As a result of defendants' conduct, Taylor suffered physical and emotional harm, as well as

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economic impacts.

IV. FIRST CLAIM FOR RELIEF

(Section 1983 - 4th Amendment Violation – Unreasonable Search and Seizure)

Count 1: Municipal Hospital BAH *Monell* Liability – Unconstitutional Training Policy

12. As applicable, plaintiff incorporates the above.

13. As described above, BAH and its staff violated Taylor's rights to free from unreasonable search and seizure. Their conduct violated the Fourth Amendment to the United States Constitution.

14. BAH has a policy, custom, and/or practice of training their members to violate people's Fourth Amendment rights as described above. Defendants were deliberately indifferent to Taylors' rights and caused or contributed to the cause of his injuries and the violation of the Fourth Amendment to the United States Constitution.

Count 2: Municipal *Monell* Liability – Ratification

15. As described above, BAH ratified defendant Gauntz RN's acts by RNC Hoffman and her review and the basis for said acts, that is, BAH policymakers knew of and specifically approved of the individual defendant's acts.

16. As a result of the above, plaintiff is entitled to an award of economic and non- economic damages as well as ordinary costs against defendants in amounts to be determined at trial.

17. As a result of the above, plaintiff is entitled to an award of punitive damages against BAH in an amount to be determined at trial.

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18. Taylor is entitled to an award for his attorney fees and litigation expenses/costs against defendants pursuant to 42 USC § 1988.

V. SECOND CLAIM FOR RELIEF

(Section 1983 - Fourth Amendment Violation – Excessive and Unreasonable Force)

Count 1: Individual Liability of Defendants Gauntz, Hoffman, Roth and Davis,

19. As applicable, plaintiff incorporates the above.

20. As described above, Gauntz, et al violated Taylor's right not to be subjected to unreasonable force causing injury. Their medical conduct violated the Fourth Amendment to the United States Constitution.

Count 2: Municipal and County Liability – Unconstitutional Training Policy

21. BAH has a policy, custom, and/or practice of training BAH staff members to violate people's Fourth Amendment rights as described above. BAH were deliberately indifferent to Taylor's rights and caused or contributed to the cause of his injuries and the violation of the Fourth Amendment to the United States Constitution.

Count 3: Municipal and County Liability – Ratification

22. As described above, BAH, supervisor RN Hoffman, Roth and Davis ratified defendant acts and the basis for said acts, that is, BAH policymakers knew of and specifically approved of the individual defendants' acts.

23. As a result of the above, Taylor's is entitled to damages, costs and fees and all but punitive damages against BAH..

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VI. THIRD CLAIM FOR RELIEF

(Section 1983 – Fourteenth Amendment Violation – Unreasonable Conduct and/or Conduct Which Is Arbitrary, Deliberately Indifferent and/or Shocks the Conscience)

24. As applicable, plaintiff incorporates the above.
25. As described above, Gauntz violated Taylor's Fourteenth Amendment rights because her conduct was unreasonable and/or arbitrary, deliberately indifferent and/or shocking to the conscience.
26. As a result of the above, Taylor's is entitled to damages, costs and fees.

VII. FOURTH CLAIM FOR RELIEF

State Claim

Medical Negligence

27. The conduct of Gauntz, Hoffman, Roth and Davis fell below the standard of care in the community and caused irreparable injury and harm physically, psychologically and emotionally.

VIII. FIFTH CLAIM FOR RELIEF

State Claim

Battery

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28. The unauthorized blood draw and catheterization constituted battery.

IX. SIXTH CLAIM FOR RELIEF

State Claim

Intentional Infliction of Emotional Distress

29. The unauthorized blood draw and catheterization constituted intentional infliction of emotional distress as plaintiff suffered severe emotional distress as a result.

X. SEVENTH CLAIM FOR RELIEF

State Claim

Negligent Infliction of Emotional Distress

30. In the alternative, the unauthorized blood draw and catheterization constituted negligent infliction of emotional distress as plaintiff suffered physical injury and pain and severe emotional distress as a result.

WHEREFORE, plaintiff prays for relief from the Court as follows:

1. Assume jurisdiction in this matter over plaintiff's claims;

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2. Award plaintiff economic and non-economic damages against defendants in amounts to be determined at trial in accordance with the allegations set forth above;
3. Award plaintiff punitive damages against the individual defendant Taylor in an amount to be determined at trial in accordance with the allegations set forth above;
4. Award plaintiff his attorney fees and litigation expenses/costs against defendants in accordance with the allegations set forth above; and
5. Grant such other relief as may be just and proper.

PLAINTIFF DEMANDS A JURY TRIAL.

Respectfully Submitted,

S//S Leonard R. Berman

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Attorney for Plaintiff

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